United Nations A/C.3/72/L.35

General Assembly

Distr.: Limited
30 October 2017

Original: English

Seventy-second session

Third Committee

Agenda item 72 (b)

Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Argentina, Armenia, Austria, Belgium, Bulgaria, Chile, Costa Rica, Croatia, Cyprus, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Ireland, Japan, Latvia, Lebanon, Liechtenstein, Lithuania, Monaco, Netherlands, Portugal, Romania, Slovenia, Spain and Tunisia: draft resolution

The safety of journalists and the issue of impunity

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights,[1] and recalling relevant international human rights treaties, including the International Covenant on Civil and Political Rights[2] and the International Convention for the Protection of All Persons from Enforced Disappearance,[3] as well as the Geneva Conventions of 12 August 1949[4] and the Additional Protocols thereto,[5]

Recalling its previous resolutions on the safety of journalists and the issue of impunity, including resolution 70/162 of 17 December 2015, resolution 68/163 of 18 December 2013, in which it proclaimed 2 November as the International Day to End Impunity for Crimes against Journalists, as well as its resolution 69/185 of 18 December 2014,

Welcoming the latest report of the Secretary-General on the safety of journalists and the issue of impunity,[6] and recalling his previous report on this topic,[7]

[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex.
[3] United Nations, *Treaty Series*, vol. 2716, No. 48088.
[4] Ibid., vol. 75, Nos. 970–973.
[5] Ibid., vol. 1125, Nos. 17512 and 17513.
[6] A/72/290.
[7] A/70/290.

17-19155 (E) 011117

Please recycle

Taking note with appreciation of the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity, endorsed by the United Nations System Chief Executives Board for Coordination on 12 April 2012, in which United Nations agencies, funds and programmes were invited to work with Member States towards a free and safe environment for journalists and media workers in both conflict and non-conflict situations, with a view to strengthening peace, democracy and development worldwide,

Recalling Human Rights Council resolutions 21/12 of 27 September 2012,[8] 27/5 of 25 September 2014[9] and 33/2 of 29 September 2016[10] on the safety of journalists, 26/13 of 14 July 2014[11] and 32/13 of 1 July 2016[12] on the promotion, protection and enjoyment of human rights on the Internet, 34/7 of 23 March 2017 on the right to privacy in the digital age,[13] and 27/12 of 25 September 2014 on the World Programme for Human Rights Education,[9] as well as Security Council resolutions 1738 (2006) of 23 December 2006 and 2222 (2015) of 27 May 2015,

Recalling the summary report on the panel discussion of the Human Rights Council on the issue of the safety of journalists, held on 11 June 2014, submitted to the Council at its twenty-seventh session,[14] as well as the publication of the United Nations Educational, Scientific and Cultural Organization entitled *World Trends in Freedom of Expression and Media Development: Special Digital Focus 2015*, and welcoming the 2017 edition of the "Safety Guide for Journalists: A Handbook for Reporters in a High-risk Environment", produced by Reporters Without Borders in collaboration with the United Nations Educational and Scientific and Cultural Organization,

Recalling also all relevant reports of the special procedures of the Human Rights Council with regard to the safety of journalists, as well as the reports of the Special Rapporteurs on the promotion and protection of the right to freedom of opinion and expression[15] and on extrajudicial, summary or arbitrary executions,[16] submitted to the Council at its twenty-ninth session, and the interactive dialogue thereon,

Commending the role and the activities of the Office of the United Nations High Commissioner for Human Rights and the United Nations Educational, Scientific and Cultural Organization with regard to the safety of journalists and the issue of impunity, including their collaboration to strengthen implementation of the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity and their facilitation of the commemoration of the International Day to End Impunity for Crimes against Journalists on 2 November in consultation with relevant entities within the United Nations system, Governments and relevant stakeholders,

Welcoming the adoption of the 2030 Agenda for Sustainable Development and the commitments therein to, inter alia, promote peaceful and inclusive societies for sustainable development, including by ensuring public access to information and

---

[8] See *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 53A* (A/67/53/Add.1), chap. III.

[9] Ibid., *Sixty-ninth Session, Supplement No. 53A* and corrigenda (A/69/53/Add.1 and A/69/53/Add.1/Corr.1 and A/69/53/Add.1/Corr.2), chap. IV, sect. A.

[10] Ibid., *Seventy-first Session, Supplement No. 53A* and corrigendum (A/71/53/Add.1 and Corr.1), chap. II.

[11] Ibid., *Sixty-ninth Session, Supplement No. 53* (A/69/53), chap. V, sect. A.

[12] Ibid., *Seventy-first Session, Supplement No. 53* (A/71/53), chap. V, sect. A.

[13] Ibid, *Seventy-second Session, Supplement No. 53* (A/72/53), chap IV, sect. A.

[14] A/HRC/27/35.

[15] A/HRC/29/32.

[16] A/HRC/29/37 and Add.1–7.

protecting fundamental freedoms, in accordance with national legislation and international agreements, and therefore recognizing the important contribution of the promotion and protection of the safety of journalists in this regard,

Taking note with appreciation of the report of the Office of the High Commissioner on good practices concerning the safety of journalists, submitted to the Human Rights Council at its twenty-fourth session,[17] as well as its report on the right to privacy in the digital age, submitted to the Council at its twenty-seventh session,[18]

Mindful that the right to freedom of opinion and expression is a human right guaranteed to all, in accordance with article 19 of the Universal Declaration of Human Rights and of the International Covenant on Civil and Political Rights, and that it constitutes one of the essential foundations of a democratic society and one of the basic conditions for its progress and development,

Acknowledging that journalism is continuously evolving to include input from media institutions, private individuals and a range of organizations that seek, receive and impart information and ideas of all kinds, online as well as offline, in the exercise of freedom of opinion and expression, in accordance with article 19 of the International Covenant on Civil and Political Rights, thereby contributing to the shaping of public debate,

Recognizing the importance of freedom of expression and of free media, online as well as offline, in building inclusive and peaceful knowledge societies and democracies and in fostering intercultural dialogue, peace and good governance, as well as understanding and cooperation,

Recognizing also that the work of journalists and media workers often puts them at specific risk of intimidation, harassment and violence, the presence of which often deters journalists and media workers from continuing their work or encourages self-censorship, consequently depriving society of important information,

Noting the good practices of different countries aimed at the protection of journalists, as well as, inter alia, those designed for the protection of human rights defenders that can, where applicable, be relevant to the protection of journalists,

Recognizing that national legal frameworks consistent with States' international human rights obligations and commitments are an essential condition for a safe and enabling environment for journalists, and expressing deep concern about the misuse of national laws, policies and practices to hinder or limit the ability of journalists to perform their work independently and without undue interference,

Recognizing also the efforts by States to review and, where necessary, amend laws, policies and practices that limit the ability of journalists to perform their work independently and without undue interference and to bring them fully in line with their obligations under international law,

Emphasizing the role of international cooperation in support of national efforts to prevent attacks and violence against journalists and in raising the capacities of States in the field of human rights, including in preventing attacks and violence against journalists, including through the provision of technical assistance, upon the request of and in accordance with the priorities set by the States concerned,

[17] A/HRC/24/23.
[18] A/HRC/27/37.

Recognizing that the number of people whose lives are influenced by the way information is presented is significant and that journalism influences public opinion,

Bearing in mind that impunity for attacks against journalists remains one of the g.eatest challenges to the safety of journalists and that ensuring accountability for crimes committed against journalists is a key element in preventing future attacks,

Recalling, in this regard, that journalists, media workers and associated personnel engaged in dangerous professional missions in areas of armed conflict shall be considered as civilians and shall be respected and protected as such, provided that they take no action adversely affecting their status as civilians,

Deeply concerned by all human rights violations and abuses committed in relation to the safety of journalists and media workers, including killing, torture, enforced disappearance, arbitrary arrest and arbitrary detention, expulsion, intimidation, harassment, threats and other forms of violence,

Expressing deep concern at the increased number of journalists and media workers who have been killed, tortured, arrested or detained in recent years as a direct result of their profession,

Expressing deep concern also at the growing threat to the safety of journalists posed by non-State actors, including terrorist groups and criminal organizations,

Acknowledging the specific risks faced by women journalists in the exercise of their work, and underlining in this context the importance of taking a gender-sensitive approach when considering measures to address the safety of journalists, including in the online sphere, in order to ensure that the experiences and concerns of women journalists are effectively taken into account and that gender stereotypes in the media are adequately addressed,

Acknowledging also the particular risks with regard to the safety of journalists in the digital age, including the particular vulnerability of journalists to becoming targets of unlawful or arbitrary surveillance or interception of communications in violation of their rights to privacy and to freedom of expression,

1. *Condemns unequivocally* all attacks and violence against journalists and media workers, such as torture, extrajudicial killings, enforced disappearances, arbitrary arrest and arbitrary detention, as well as intimidation threats and harassment, including through attacks on, or the forced closure of, their offices and media outlets, in both conflict and non-conflict situations;

2. *Also condemns unequivocally* the specific attacks on women journalists in the exercise of their work, including sexual and gender-based discrimination and violence, intimidation and harassment, online and offline;

3. *Strongly condemns* the prevailing impunity for attacks and violence against journalists, and expresses grave concern that the vast majority of these crimes go unpunished, which in turn contributes to the recurrence of these crimes;

4. *Calls upon* States to implement more effectively the applicable legal framework for the protection of journalists and media workers in order to combat the pervasive impunity, including through enforcement mechanisms with the capacity to pay systematic attention to their safety;

5. *Also calls upon* States to tackle sexual and gender-based discrimination, including violence, against women journalists, online and offline, as part of broader efforts to eliminate gender inequality and tackle gender-based stereotypes in society;

6. *Urges* the immediate and unconditional release of journalists and media workers who have been arbitrarily arrested, arbitrarily detained or taken hostage or who have become victims of enforced disappearances;

7. *Calls upon* all States to pay attention to the safety of journalists covering events in which persons are exercising their rights to peaceful assembly and freedom of expression, taking into account their specific role, exposure and vulnerability;

8. *Encourages* States to take the opportunity of the proclamation of 2 November as the International Day to End Impunity for Crimes against Journalists to raise awareness regarding the issue of the safety of journalists and to launch concrete initiatives in this regard;

9. *Requests* the United Nations Educational, Scientific and Cultural Organization, in consultation with relevant entities of the United Nations system, and mindful of the provisions of the annex to Economic and Social Council resolution 1980/67 of 25 July 1980, to continue to facilitate the implementation of the International Day in collaboration with Governments and relevant stakeholders;

10. *Urges* Member States to do their utmost to prevent violence, threats and attacks against journalists and media workers, to ensure accountability through the conduct of impartial, speedy, thorough, independent and effective investigations into all alleged violence, threats and attacks against journalists and media workers falling within their jurisdiction, to bring perpetrators, including those who command, conspire to commit, aid and abet or cover up such crimes to justice, and to ensure that victims and their families have access to appropriate remedies;

11. *Calls upon* States to create and maintain, in law and in practice, a safe and enabling environment for journalists to perform their work independently and without undue interference, including by means of (a) legislative measures; (b) supporting the judiciary in considering training and awareness-raising and supporting training and awareness-raising among law enforcement officers and military personnel, as well as among journalists and civil society, regarding international human rights and international humanitarian law obligations and commitments relating to the safety of journalists, including with a strong focus on gender-based discrimination and violence against women journalists, as well as the particularities of online threats and harassment of women journalists; (c) regular monitoring and reporting of attacks against journalists; (d) collecting and analysing concrete quantitative and qualitative data on attacks or violence against journalists, that are disaggregated by, among other factors, gender; (e) publicly and systematically condemning violence and attacks; (f) dedicating the resources necessary to investigate and prosecute such attacks and to develop and implement gender-sensitive strategies for combating impunity for attacks and violence against journalists, including by using, where appropriate, good practices such as those identified in Human Rights Council resolution 33/2; and (g) putting in place safe gender-sensitive procedures and reparations in order to encourage women journalists to report attacks against them and providing adequate support, including psychosocial support, to victims and survivors;

12. *Also calls upon* States to ensure that measures to combat terrorism and preserve national security or public order are in compliance with their obligations under international law and do not arbitrarily or unduly hinder the work and safety of journalists, including through arbitrary arrest or detention or the threat thereof;

13. *Further calls upon* States to protect in law and in practice the confidentiality of journalists' sources, in acknowledgment of the essential role of journalists in fostering government accountability and an inclusive and peaceful

society, subject only to limited and clearly defined exceptions provided in national legal frameworks, including judicial authorization, in compliance with States' obligations under international human rights law;

14. *Emphasizes* that, in the digital age, encryption and anonymity tools have become vital for many journalists to freely exercise their work and their enjoyment of human rights, in particular their rights to freedom of expression and to privacy, including to secure their communications and to protect the confidentiality of their sources, and calls upon States not to interfere with the use of such technologies and to ensure that any restrictions thereon comply with States' obligations under international human rights law;

15. *Also emphasizes* the important role that media organizations can play in providing adequate safety, risk awareness, digital security and self-protection training and guidance to journalists and media workers, together with protective equipment and insurance, where necessary;

16. *Stresses* the need to ensure better cooperation and coordination at the international and regional levels, including through technical assistance and capacity-building, with regard to helping to improve the safety of journalists at the national and local levels;

17. *Calls upon* States to cooperate with relevant United Nations entities, in particular the United Nations Educational, Scientific and Cultural Organization, as well as international and regional human rights mechanisms, including the relevant special procedures of the Human Rights Council, and to share information on a voluntary basis on the status of investigations into attacks and violence against journalists, including in response to requests by the United Nations Educational, Scientific and Cultural Organization through the mechanism operated by its International Programme for the Development of Communication;

18. *Encourages* States to continue to address the issue of the safety of journalists through the process of the universal periodic review, including through reference to the good practices identified in this resolution;

19. *Invites* the relevant agencies, organizations, funds and programmes of the United Nations system to actively exchange information, including through already identified focal points, about the implementation of the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity, in cooperation with Member States and under the overall coordination of the United Nations Educational, Scientific and Cultural Organization;

20. *Requests* the Secretary-General to report to the General Assembly to assist in the implementation of the present resolution and at its seventy-second session and to the Human Rights Council at its forty-third session on the safety of journalists and the issue of impunity and on the effective implementation of the present resolution including by setting up a dedicated mechanism.